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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q85741

Joon Youb LEE, et al.

Appln. No.: 10/521,313

Group Art Unit: Unknown

Confirmation No.: Unknown

Examiner: Unknown

Filed: January 14, 2005

For: HER-2 NEU DNA VACCINE HAVING ANTI-CANCER ACTIVITY

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith.

1. Tetsu AKIYAMA et al.; "The Product of the Human c-*erbB*-2 Gene: A 185 Kilodalton Glycoprotein With Tyrosine Kinase Activity"; Science Article; Vol. 232; 27 June 1986; pp. 1644-1646.
2. Dennis J. SLAMON et al.; "Human Breast Cancer: Correlation of Relapse and Survival With Amplification of the HER-2/*neu* Oncogene"; Science Articles; Vol. 235; 9 January 1987; pp. 177-182.

3. Michael S. EWER et al.; "Cardiotoxicity in Patients Receiving Trastuzumab (Herceptin): Primary Toxicity, Synergistic or Sequential Stress, or Surveillance Artifact"; Seminars in Oncology; Vol. 26; No. 4; Suppl. 12 (August) 1999; pp. 96-101.
4. Hiroya KOBAYASHI et al.; "Defining Promiscuous MHC Class II Helper T-Cell Epitopes for the HER2/*neu* Tumor Antigen"; Cancer Research 60; September 15, 2000; pp. 5228-5236

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

INFORMATION DISCLOSURE STATEMENT
U.S. Appln. No.: 10/521,313

Q85741

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: March 30, 2005

Substitute for Form 1449 A & B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

of

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Complete if Known

Application Number	10/521,313
Confirmation Number	Unknown
Filing Date	January 14, 2005
First Named Inventor	Joon Youb LEE
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	Q85741

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		
		US			
		US			
		US			
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)			

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation ⁶
		Tetsu AKIYAMA et al.; "The Product of the Human c-erbB-2 Gene: A 185-Kilodalton Glycoprotein With Tyrosine Kinase Activity"; Science Article; Vol. 232; 27 June 1986; pp. 1644-1646.	
		Dennis J. SLAMON et al.; "Human Breast Cancer: Correlation of Relapse and Survival With Amplification of the HER-2/neu Oncogene"; Science Articles; Vol. 235; 9 January 1987; pp. 177-182.	
		Michael S. EWER et al.; "Cardiotoxicity in Patients Receiving Trastuzumab (Herceptin): Primary Toxicity, Synergistic or Sequential Stress, or Surveillance Artifact"; Seminars in Oncology; Vol. 26; No. 4; Suppl. 12 (August) 1999; pp. 96-101.	
		Hiroya KOBAYASHI et al.; "Defining Promiscuous MHC Class II Helper T-Cell Epitopes for the HER2/neu Tumor Antigen"; Cancer Research 60; September 15, 2000; pp. 5228-5236.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to indicate here if English language Translation is attached.